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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,918	05/10/2007	Arved H. Westerkamp	VOI0370.US	3651
41863	7590	05/13/2010	EXAMINER	
TAYLOR & AUST, P.C.			HUG, ERIC J	
P.O. Box 560			ART UNIT	
142. S Main Street			PAPER NUMBER	
Avilla, IN 46710			1791	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,918	Applicant(s) WESTERKAMP, ARVED H.	
	Examiner Eric Hug	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-44, 46, 47, 50-58, 62, 63 and 70-72 is/are rejected.
- 7) ☒ Claim(s) 45, 48, 49, 59-61 and 64-69 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/17/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The following is in response to the amendment filed February 25, 2010.

Response to Arguments

Applicant's arguments filed February 25, 2010 have been considered.

By way of amendment, Applicant has overcome the rejection of claims 64-69 under 35 U.S.C. 112, second paragraph.

In view of the arguments, the rejection of claims 37-44, 48-66, 70, and 71 under 35 U.S.C. 102(b) over Legge (US 4,781,967), and the rejection of claims 45 and 67-68 under 35 U.S.C. 103(a) over Legge in view of Luciano (US 4,357,386) are withdrawn. It is recognized that Legge does not teach providing layers which are selectively combinable in a plurality of different combinations to form coverings of the different categories as claimed.

Applicant has not overcome the rejection of claims 37-44, 46, 47, 50-58, 62-63, and 70-72 under 35 U.S.C. 102(b) over Johnson (US 6,569,290). The primary reason is set forth in Johnson, column 3, under Summary:

"The present invention is a pre-molded, bi-component subassembly for constructing papermaking fabrics. A surface component may be attached to a base component for combined effects on the final paper product. A plurality of the subassemblies are interconnected to create an endless fabric. The completed fabric operates as a papermaking carrier surface in any of the known machine positions."

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These machine positions are defined earlier in Johnson in column 1, lines 21-24:

A papermaking fabric is used in the form of an endless belt which is supported by and advanced through the papermaking machine by various machine rolls. The process and the various sections of the machine, forming, press and dryer, will be known to those skilled in the art.

Thus, Johnson teaches providing layers which are selectively combinable in a plurality of different combinations to form coverings of the different categories as claimed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 37-44, 46, 47, 50-58, 62-63, and 70-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 6,569,290).

Johnson discloses a modular papermaking fabric comprising a modular link base (10) and an attached modular surface plate component (100). The modules for both the link base and surface plate component are molded from a suitable resin material. The link base forms a machine side surface and the surface plate component forms a paper support surface upon the link base. The arrangement is shown in Figures 1-2. Preferably, each link base component has an attached surface plate component (column 4, lines 13-14). Each link base component and surface plate component is made to have a pattern with predetermined characteristics such as

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open area, contact area, permeability, and surface finish, so that when the surface plate component is attached to the link base component, a combined effect of fabric characteristics is obtained. The characteristics are determined based on machine and product demands. See, for instance, column 4, lines 7-10 and 16-41, and column 5, line 44 to column 6, line 5. The surface plate component is attached to the link base component by means according to column 6, lines 6-14, which include means to secure the components undetachably in two-dimensions. The completed fabric can be used as a papermaking fabric "in any of the known machine positions" (see column 3, Summary), which positions correspond to the forming, pressing, and drying sections of the papermaking machine (see column 1, lines 21-24).

Regarding the method of independent claim 37 and the system of independent claim 50, the modular paper machine fabric of Johnson and method of constructing the fabric of Johnson read on the claimed prefabricated construction kit of web-shaped material layers selectively combinable in a plurality of different combinations to form coverings of the different categories being a forming mesh, a press felt, and a dryer fabric and the claimed manner by which it is made. The link base and surface plate components of Johnson and characteristics chosen therefor read on the claimed first plurality of web-shaped material layers selected depending on a category and operating condition of the covering to be produced. The arrangement and attachment of link base components and surface plate components disclosed by Johnson are equivalently stacking the first plurality of web-shaped material layers atop one another and joining the first plurality of web-shaped material layers to one another in sections, two-dimensionally, and in a manner that prevents the web-shaped material layers from being detached.

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Regarding claim 38, see the portions of Johnson indicated above corresponding to choosing materials and patterns for the modules, and stacking the modules depending on the functional characteristics desired for the fabric and on paper machine operating conditions.

Regarding claims 39-44, 46 and 47, each of the claimed means of attachment are taught in column 6, lines 6-14. Johnson discloses the use of adhesives, ultrasonic welding, snap-locks, or pintle mounts, which encompasses the claimed features.

Regarding claims 51-53, see the portions of Johnson indicated above corresponding to choosing materials and patterns for the modules, and stacking the modules depending on the functional characteristics desired for the fabric and on paper machine operating conditions.

Regarding claims 54-58, the surface plate (100) is a layer which influences the surface of a fibrous web, and the link base is a wear-stable and dimensional-stable material layer. Both layers are non-textile layers.

Regarding claims 62-63, link base modules can be molded with permeability and flow control (col. 5, lines 50-54), which encompasses anti-rewetting functionality. These modules are non-textile structures.

Regarding claims 70-72, each of the claimed means of attachment are taught in column 6, lines 6-14. Johnson discloses the use of adhesives, ultrasonic welding, snap-locks, or pintle mounts, depending on the desired characteristics of the fabric. The modules are offset in both the machine direction and transverse direction, and joined together two-dimensionally. See Figure 6 and Figure 17.

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Allowable Subject Matter

Claims 45, 48, 49, 59-61, and 64-69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

None of the material features given by these claims are taught or suggested by the prior art for use in a construction kit of web-shaped material layers selectively combinable in a plurality of different combinations to form paper machine coverings of the different categories.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is (571) 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric Hug/
Primary Examiner, Art Unit 1791